

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Eddie Lee Smith,)	CASE NO. 5:19 CV 1496
)	
Petitioner,)	JUDGE PATRICIA A. GAUGHAN
)	
Vs.)	
)	
Edward Sheldon, Warden,)	
)	<u>Order and Re-Referral</u>
Respondent.)	

This matter is before the Court upon the Report and Recommendation of Magistrate Judge Greenberg (Doc. 12) which recommends denial of petitioner's Motion for Stay of State Court Sentence/Proceedings. Petitioner filed objections. The Report and Recommendation is ACCEPTED.

28 U.S.C. § 636 requires that this Court determine only whether this pretrial matter is clearly erroneous or contrary to law. The Court finds that it is not. Petitioner seeks a stay of his sentence pending resolution of his habeas petition on the ground that his imprisonment violates his rights under state and federal law. The Magistrate Judge decided that while in very limited circumstances a petitioner may be entitled to bail pending a decision on the merits, those

exceptional circumstances do not exist here. This Court agrees.

Accordingly, the Report and Recommendation is accepted and this matter is re-referred to the Magistrate Judge for a Report and Recommendation on the Petition.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan
PATRICIA A. GAUGHAN
United States District Court
Chief Judge

Dated: 11/25/19